

Democratic Renewal and the Legitimacy of Bureaucracy

Max Weber's critique of civil servants-rule

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1. Introduction

According to many something is rotten in the state of the state. It is the actual level of democracy in modern western societies that in recent years continuously is questioned. What is called for is a greater involvement of citizens in policymaking and implementation. Suggestions range from deliberative polls to direct election of politicians, from referendums to clients forums, and from multiple votes to voucher systems.

Some express their reservations as to this wave of democratisation. They doubt the necessity of the changes proposed (is there really something wrong with the present day trust in politics and politician, is political participation really that low, etc?) or they question their effectiveness (will people be willing to participate continuously in forums and referendums, will choosing functionaries change something in the public's attitude, etc.).

The consequences of democratic renewal for the administrative bureaucracy are not often taken into consideration. But some of the critics fear that the proper functioning of public administration will be undermined by democratic renewal. Introducing a client-approach, for instance, implies that the orientation of civil servants will change. It brings in an ethos that is at home in business-organisations. Introducing elements from the profit-sector into government entails the danger of ethical confusion within public administration, possibly leading to breaches of integrity. (BOVENS 1996; JACOBS 1992) In the same line, concerns have been expressed as to the administrators' orientation towards the common good. (HAQUE 2000) And, for yet another example, the increasing citizen involvement is sometimes seen as pushing out bureaucratic expertise from policy making and implementation. (TONKENS 2003)

Remarkably, in most of the arguments supporting democratic renewal, little is said about the consequences for the legitimate functioning of public administration, and bureaucracy therein. In the comments that focus on such consequences, on the other hand, the considerations backing up proposals for new forms of democracy are mostly neglected. That brings us to the question: *What is the proper position of bureaucracy in modern democratic society or what makes for its legitimate functioning in democracy?*

To answer this question we will turn to the work of Max Weber. One of the reasons therefore, of course, is the classical status of his analyses of legitimacy and bureaucracy. In the latter he articulated, as we read in every student's companion, the preconditions for rational performance. One of the major themes in Weber's work, furthermore, is the danger of bureaucratic domination and civil-servants rule. Weber therein seems to join the contemporary advocacy to strengthen democracy. In Weber we expect to find an advocacy for democratisation which takes into account the conditions for the legitimate functioning of bureaucracy.

In the following we will first offer an overview of the recent discussion on democratic renewal. (section 2.) Next, Weber's understanding of legitimacy of bureaucracy is addressed. Section 4, then, focuses on his understanding of the relation between bureaucracy and democracy. As we will see, although Weber opposes civil servants-rule, he is not positive on

far-reaching measures of democratisation – measures that were also proposed in his day. His arguments in section 5 will be applied to recent proposals of renewal. To defend the relevance of Weber’s argument, in section 6 we will confront comments that hold that it is an anachronism to turn to Weber in order to discuss the contemporary urge for democratic renewal.

2. Advocacy for democratic renewal

There seems to have built up a broad consensus holding that citizens are not enough and not adequately involved in politics nowadays. This opinion is often expressed in public debate, but also in studies in public administration and political science. In such studies the claim that major changes in the political system are necessary, often is supported by an analysis of fundamental societal developments. Attention, for instance, is drawn to the ‘black holes’, containing the powerless and political excluded, that developed in western countries as a result of globalisation. (CASTELLS 1996; YOUNG 2000) The rising expectations of citizens and their growing competence, as a result of the dominant liberal ideology, the rising level of education and the opportunities new technology offer, have been brought to light. Citizens are said to be no longer satisfied with their role as voters in representative democracy. (FRISSEN 1999) And, to give one more example, we have been shown that processes of modernisation that have first broken up old societal structures in recent decades brought a ‘new disorder’ that cannot be dealt with by ‘modern’ types of policy and democracy. Government in many respects has become hopelessly old-fashioned in this ‘post-modernity’; it might have been appropriate in the days of developing modernity, but now a major shift towards civil society is necessary, especially in implementation. The disordered late modernity that needs deliberative democracy; the problems of the risk society that have to be addressed by small group self-rule; and the diversity of post-modernity that has to be matched by multiple-involvement of citizens in a multitude of networks. (BECK 1986; FOX 1995; HABERMAS 1985; HIRST 1994; OSBORNE 1992) Others focus on developments in the mode or organisation of governance that in some sense have not yet been fully completed. Shifts in governance are not yet followed by compensating measures to establish accountability and responsibility. (PIERRE 2000; VAN KERSBERGEN 2001)

In the diagnoses and remedies given we can distinguish three categories of furthering the involvement of citizens: in policymaking, in implementation and in control. Some stress that the possibilities for citizens to be actually involved in politics and policy making are too little. The voices of many citizens are in fact not heard. The representative system reduces the participation of the many to voting once every four years. What are needed, in this line of reasoning, are new forms of deliberative democracy and other forms of direct democracy, like referendums, citizen-polls, or direct election of executive officials (DRYZEK 2000; YOUNG 2000) As to policy implementation, analysts have argued that adequate and efficient delivery of public services asks for more involvement of the recipients of these services: demand-steering, co-production, client-approach. (HIRST 1994; OSBORNE 1992) A third category of measures of democratisation involves new arrangements of accountability and control. Such measures are meant to remedy the loss of legitimacy of public institutions; citizens doubt their accountability. New arrangements are presented, arrangements that involve the introduction or strengthening of forums of accountability consisting of citizens or their representatives (strengthening the position of parliament, transparency, dualism), but also the introduction of new forums (of client-groups for instance). (VAN KERSBERGEN 2001)

These diagnoses and remedies have been fiercely commented. Some have questioned the empirical grounds of the diagnoses: has the societal field really changed that dramatically? Have citizens indeed become to distrust the political system and the politicians more than in earlier years? Do the often quoted figures of decreasing voting turnouts give us any insight in citizens opinion on politics and democracy ? etc. [verw.] Others focused on the likely effects of the instruments: will, for instance, extending the possibilities for citizen participation make for an increase in the involvement of citizens, especially of those that are excluded now? (HOOGHE 1999)

Some comments criticise the diagnoses, others the effectiveness of the remedies proposed. What not always is made explicit, however, is that the advocacy for (new) forms of democracy champions the position and interests of citizens, and (at least by implication) seems to be opposing public administration, and more specifically the bureaucracy. Furthering citizens' input in policymaking is often presented as an alternative to bureaucratic planning. (FRISSEN 1999; HABERMAS 1985) New instruments of accountability are proposed in reaction to bureaucratic organisations getting to much discretion. (VAN KERSBERGEN 2001) And participation in implementation is said to be necessary to fight the bureaucratic pest of routine and uniformity. (OSBORNE 1992) If their position is considered, in the arguments for democratisation public administration, and bureaucracy in particular, are seen as part of the problem. The bureaucrats' discretion should be curtailed, their power controlled and the bureaucratic apparatus should be reduced in size. These comments follow the older tradition of fighting the threat of bureaucratic power. (CROZIER 1963; HAYEK 1944; VON MISES 1944) But the contemporary advocacy for democratisation seems to go a step further than the older proposals to curtail and control bureaucracy. They involve the expansion of democracy itself: introducing new forms of citizen participation and popular control, with a scope well beyond simple representative democracy.

But then a question arises: What effect do the proposed and implemented measures of democratisation have for a proper functioning of bureaucracy? Initiatives to strengthen (direct) democracy and accountability might undermine a competent bureaucratic functioning, threatening in turn governmental performance, public trust and the like. (HAQUE 2000; JACOBS 1992) Paradoxically the remedies proposed would then contribute to the problem that they are supposed to address.

For an exploration of this issue it might be worthwhile to turn to Max Weber's work. One of the themes in his work is precisely bureaucratic domination and civil-servants rule endangering democracy. But the same work contains his classical treatise on the advantages of bureaucratic rationality. What then makes, according to Weber, for bureaucracies legitimate functioning?

2. Bureaucracy and legitimacy

In public and lawful government, Weber holds in *Economy and Society* (1921), bureaucratic authority is constituted by the fixed ordering of its duties and the commanding structure and by a methodical provision of means in order to fulfil those duties. (*ES* 196)¹ It is with his well known list of principles of bureaucratic organisation, then, that Weber gives us a clearer picture of this authoritative entity: office hierarchy, jurisdictional competency, management based on written documents and following general rules, expert training, a tenured position

¹ Citations from *Wirtschaft und Gesellschaft* and Weber's *Political Writings* are, when they are included in that anthology, taken from the English edition by H.H. Gerth & C. Wright Mills *From Max Weber: Essays in Sociology* (Routledge London, 1991). The reference reads *ES* and page-number. Otherwise reference is made to the German Mohr-edition. The translation, then, is mine.

for officials, and the like. (ES 197-204) “Bureaucracy, thus understood”, Weber assures us, “is fully developed only in the modern state.”(ES 196)

Why and in what sense can bureaucracy be said to be an authority when having the characteristics just mentioned? To answer this question in this section we will first turn to Weber’s types of legitimacy and ask how they may constitute a bureaucracy’s legitimacy. As we shall see, to give a full answer to this question we also need to take into account Weber’s analysis of modernity.

Bureaucracy and the three forms of legitimacy

“If a state is to exist”, we read on the first page of *Politics as a Vocation* (1918), “the dominated must obey the authority claimed by the powers that be.” (ES 78) When and why do people obey? Upon what inner justifications and upon what external means does this domination rest? As to the external means, Weber is brief. Obedience might be motivated by fear, hope and interests. (ES 79) His real interest, however, is in the inner justifications. He distinguishes three varieties: the authority of the ‘eternal yesterday’ of tradition, the authority of the extraordinary and personal *gift of grace* (charisma) and, thirdly, domination by virtue of legality (legal statute and functional competence based on rationally created rules). (ES 78/9) In this analysis of legitimacy, Weber’s focus is the position of the leader, the power holder, the politician. The considerations are not explicitly extended to the position of bureaucracy. Here and in other places, however, Weber’s work contains suggestions to articulate the grounds for a legitimate functioning of administrative bureaucracy.

After presenting his three type of legitimacy Weber notes that in whatever way the political leadership is justified, domination has to be organised. And organised domination requires control over the personal executive staff and the material implements of the administration. The administrative staff, which externally represents the organisation of political dominion, is, like in any other organisation, bound by obedience to the power holder. (ES 80) This brings us to a first understanding of bureaucracy’s legitimacy: the authority of the state bureaucracy can be derived from the authority of the power holder. The more it functions as an extension of the power holder, the more it shares in his authority. Weber’s ideal typical bureaucracy is designed in such manner that the guarantees for such a functioning are maximised.

Bureaucracy’s authority in that way is been given an indirect ground. Its legitimacy can, however, also be derived from Weber’s categories of legitimacy in a more direct way. In the first two kinds of legitimacy for domination, it is particularly the authority of persons that is justified. But in the last the inner justification rests on the proper discharge of obligations following from legal statute. “This domination is exercised by the modern ‘servant of the state’ and by all those bearers of power who in this respect resemble him.” (ES 79) That comprises every official acting within the bureaucratic organisation that is regulated by law. Weberian bureaucracy being ordered by legal rules and regulations then shares directly in the legitimacy of the legal order. How, more precisely, must we understand the relation between law and bureaucracy?

Bureaucracy and legality

To fully understand the relationship between bureaucracy and law, we have to take into account Weber’s analysis of modernity. Western modernisation, according to Weber, is characterised by the ongoing process of rationalisation. Rationality therein means: The theoretical or practical control or ordering of reality, the ordering being intentional and systematic in character. (KALBERG 1981) Rationalisation can and does take place in all domains of society. It always amounts to an increasing knowledge of and power of man over his environment. Human activities become more effective and efficient, and predictability increases. In western society the sphere of the economy rationalised into the capitalist mode,

including specific ways of organisation of labour, the production process, property-relations, etc. The same goes for the fields of science and technology, education, art and music but, importantly, also law and government. (DASSEN 1999)

Law, in its typical modern form, is, according to Weber, a system of formal and abstract rules that is internally consistent and that encompasses rules for deciding logically on specific cases (subsumption under general rules). Such a modern system of law differs from conceptions of law in which judgement on specific cases follows revelations or in which analogies are used. (ES 216) What modern law does most of all is making broad arrays of social life more predictable. In economy, in criminal law, etc. modern law gives a clear indication of the consequences of specific actions. Also the (state-)bureaucracy is to be understood as part of this rationalising modernity. Bureaucracy has a purely technical superiority over any other form of organisation. “The fully developed bureaucratic mechanism compares with other organisations exactly as does the machine with the non-mechanical modes of production. Precision, speed, unambiguity, knowledge of the files, continuity, discretion, unity, strict subordination, reduction of friction and of material and personal costs – these are raised to the optimum point in a strictly bureaucratic administration”. (ES 214) Because of its machinelike functioning the bureaucracy contributes just like modern law, to the predictability of governmental action.

The modern Weberian bureaucracy takes care of an objective discharge of business - that means acting according to *calculable rules* and ‘without regard for persons’. The objective experts employed in bureaucracy do not act on personal sympathy and favour, nor are they motivated by grace and gratitude. When fully developed, bureaucracy also stands under the principle of *sine ira ac studio*. Bureaucratic functioning, therefore, corresponds perfectly with a rational enactment of modern law. That is rational subsumption under general rules and not irrationally deciding on specific emotional, political or ethical appreciation. (ES 215/6, 221)

Bureaucracy and democracy

So bureaucracy, just like modern law, embodies typical modern rationalisation. And in doing so it fulfils an vital role in modern mass democracy. Only through its strict organisation and its development and maintenance of expertise rational conduct in government and other spheres of society is possible. “Bureaucratic administration (...) is indispensable for the needs of the mass-administration of our days. The only alternative to bureaucratisation is ‘dilettantisation’.” (WEBER 1990: 128) According to Weber “(b)ureaucratic organisation inevitably accompanies mass democracy in contrast to the democratic self-government of small homogeneous units.”(ES 224) Only through bureaucracy the continuity of (governmental) expertise can be guaranteed. Civil servants need to be recruited according to their expertise in matters of administration, and promoted according to seniority as they broaden their knowledge over the years. The specific forms of knowledge or expertise (“Wissen”) administrators come to apprehend are, according to Weber, “Fachwissen” (technical expertise), “Dienstwissen” (knowledge of files and administrative procedure). (WEBER 1988: 352)

Also in another sense the progress of bureaucratisation in the state administration is a parallel phenomenon of democracy. “Mass democracy makes a clean sweep of the feudal, patrimonial, and – at least in intent – the plutocratic privileges in administration. Unavoidably it puts paid professional labour in place of the historically inherited avocational administration by notables.”(ES 224/5)

The intimate relation between bureaucracy and law and the metaphor of machine-like functioning might easily bring about a misunderstanding as to an amoral character of bureaucracy. Bureaucratic functioning for civil servants also implies acting according to an

ethos. “The honour of the civil servant is vested in his ability to execute conscientiously the order of the superior authorities, exactly as if the order agreed with his own conviction. (...) Without this moral discipline and self-denial, in the highest sense, the whole apparatus would fall to pieces.” (ES 95) The ethos of the civil servant contrasts that of a political leader. He has to take a stand, to be passionate; his honour lies precisely in an exclusive *personal* responsibility for what he does, a responsibility he cannot and must not transfer. The bureaucratic ethos thereby has its place in a democratic system in which it are the political power holders that can and must be held accountable.

Summing up: bureaucracy’s legitimacy

In Weber’s work we found several ways to articulate an administrative bureaucracy’s legitimacy. First the legitimacy of bureaucratic authority can be understood to follow the legitimacy of the power holder. The more that power holder and bureaucracy can be seen to function as one, the more the latter can share in the legitimacy of the first.

The legitimacy of bureaucracy can also be understood in a more direct sense. Bureaucracy is part of the legal system: in its dealing it effectuates legal principles and enacts lawful decisions. Even stronger: bureaucracy fulfils the same kind of function law does. As its actions are rule-guided and impersonal it, just like modern law, makes for predictability of state-behaviour.

Thirdly, bureaucracy typically makes for expert and efficient administration. According to Weber it therewith has an indispensable function in modern mass-democracy. Bureaucracy, together with modern law, for Weber, embodies rationality. It is tempting to understand rationalising modernity as valuable. For instance because of the promise of human autonomy that it entails: the growing grip of man on his environment. Elements for such a valuation of modernity in Weber’s work have been pointed out. (DASSEN 1999; TURNER 1991) However, we need not follow such interpretations. Weber is very clear on a related point: if one values democracy in modern society, one cannot do without bureaucracy. On the value of democracy Weber is brief and straightforward: the superiority of democracy appears as an evident truth in his political writings. But are bureaucracy and democracy simply complementary?

3. The threat of bureaucratic dominance

Modern democratic society needs bureaucracy. At the same time, Weber stresses “that ‘democracy’ as such is opposed to the ‘rule’ of bureaucracy, in spite and perhaps because of its unavoidable yet unintended promotion of bureaucracy.” (ES 231) The power position of a fully developed bureaucracy is very strong. “The ‘political master’ finds himself in the position of the ‘dilettante’ who stands opposite the ‘expert’”. (ES 232) (Political master here meaning, the public, as well as political leaders or the parliament.) Moreover, the bureaucratic officials can transform their “Dienstwissen” into “Geheimwissen” by keeping their knowledge and intentions secret. Every bureaucracy, Weber notes, seeks to increase its superiority in this manner. (ES 233, WEBER 1988: 353) As in the history of western modernisation governmental systems became constitutionalised, the bureaucracy and the political ruler were bound together into a community of interest, in opposition to the party chiefs in parliament. (ES 234)

The term ‘democratisation’, Weber observes, can in a loose sense mean the minimisation of the civil servants’ ruling power in favour of the greatest possible direct rule of the demos. He, however, follows a stricter understanding. Democracy for him implies a levelling of the governed in opposition to the ruling and bureaucratically articulated group. In his

understanding democracy includes two postulates: “(1) the prevention of the development of a closed status group of officials in the interest of a universal accessibility of office, and (2) minimisation of the authority of officialdom in the interest of expanding the sphere of influence of public opinion as far as practical.” (ES 226) A central instrument of political democracy in that respect is shortening the term of office of the chief executive officials by election and recall. (ES 226, 242)

‘The Iron Cage of Bureaucracy’

Bureaucratisation and democratisation are inevitable companions, which at the same time oppose one another. In most of his writings it is the power and domination of bureaucracy that Weber worries about. Sometimes these worries concern the specific situation of the German government of his day. (We will come to that in the next section.) In other places it is the more general threat that bureaucracy as an embodiment of rationalisation poses to man’s freedom. In a dramatic rhetoric Weber asks: How is in the ongoing bureaucratisation any residue of individual freedom at all to be rescued and how can democracy at all be possible? What bureaucracy does not have is leading spirit, it is ‘solidified spirit’. (WEBER 1988: 333/4) Weber was aware of effects of rationalisation that are unintentional, disappointing and even frustrating rationality. In line with other early students of modernisation he pointed out the loss of meaning in the process of rationalisation (“*Entzauberung*”). The sciences leave little room for mysteries and the rationalisation of societal relations undermines feelings of belonging. And the process of rationalisation makes for routines and organisations that in effect restrain individual freedom. In the field of government that leads up to the threat of the *Iron Cage of Bureaucracy*. Rationalisation, for Weber, means getting systematic grip on his environment. At the same time however it means dissolving myth and meaning and the narrowing of freedom. And the ambivalence Weber has towards modernisation in general, he expresses for bureaucratisation more specifically. On the one hand it is indispensable in modern mass society; on the other bureaucracy is the ‘slave-house of the future’. (DASSEN 1999; TURNER 1991: xxiv)

‘Rule of the civil servants’

In many of his *Political Writings* Weber addressed the flaws, as he saw them, in German politics and especially in the German governmental system and political culture of his time. What he pointed out time and again was a predominance of bureaucrats (“*Beamtenherrschaft*”). In government, but also in parliament he did not see political leadership, but only a civil servant mentality – there was no real political strive. Moreover, parliament was engaged only in ‘negative politics’, as Weber called it. It offered critique, demagogic speeches were held, and governmental bills were discussed. Positively involved in policy making, however, it was not. Nor was its control of Government very effective. Because of its ‘negative politics’ the relation between parliament and government was continually one of hostility. That meant that parliament was continuously excluded from information. For Weber this state of affairs was an inheritance of the Bismarck regime. Bismarck had removed real politicians from the stage and held parliament in check. But now, without Bismarck in charge, political life still followed the old routines. (ES 95, WEBER 1988: 335/40, 351, 392)

As we saw in an earlier section, according to Weber, modernisation, democratisation, and bureaucratisation go together. At the same time however, so he pointed out, bureaucratisation does not completely fulfil modernity’s promise of autonomy. And indispensable as it may be, bureaucracy also threatens democratic rule.

4. Weber on democratic renewal

In many of his *Political Writings*, Weber argues for change. Real political leaders had to replace the 'bureaucrats' of his day. That, he argued, could be enhanced by strengthening the position of the parliament. (Notably by introducing a right of inquiry for the *Reichstag*; an instrument, however, that should be used in moderation.) When parliament really makes a difference those with power instinct and leadership qualities will step forward. Parliament should not only be talking but also working, that is 'controlling in co-operation' ("mitarbeitend kontrolliert"). To overcome simple demagoguery in powerlessness, parliament permanently needs to educate itself: to get information that makes control possible. Effective parliamentary control makes for publicity in government. What Weber saw as a necessity was the development of professional politicians. And that also meant a drastic change in the received party-culture. (WEBER 1988: 341, 350/5, 361, 364)

In other European states of his day, Weber saw that the production of real political leadership could take place in different circumstances. The constitutions and the party-organisations in countries like Great Britain or Italy differed, but in each situation leaders emerged and Government (and bureaucracy) could adequately be checked by parliament. Strong parliaments and responsible political parties are an important precondition for a functioning democratic system. (WEBER 1988: 403)

Radically renewing democracy?

Weber criticised those of his contemporaries that wanted to break the power of bureaucrats and were looking for answers in communism, syndicalism or corporatism. They did not see, Weber pointed out, that even drastic changes in society, could not do away with bureaucracy. A 'societal revolution' would only bring more power to the bureaucracy. In a communist system, for instance, abandoning private property would simply, make for an increase in bureaucratic tasks. A new system without a parliament, as those opting for communes would like it, would bring bureaucratic-rule without control. (WEBER 1988: 331/3, 395/6)

Weber also commented proposals for direct democracy, like referendums and the direct election of executive officials. Such changes, he argued, are unnecessary, unproductive and even dangerous when parliament performed its tasks properly.

For referendums, Weber only sees a necessity in extraordinary circumstances as an *ultima ratio*. He points out serious disadvantages like the exclusion of compromise and the danger of citizens getting fed up. But central in his discussion of these forms of direct democracy is the incompetence of citizens and their limited scope. ('The perspective of the masses only reaches until the day after tomorrow.') In the complex affairs, in which especially the bureaucracy has adequate knowledge, the danger of citizen's deception looms large. Through direct democracy proper 'co-operative control' is not possible. (WEBER 1988: 397-400, 404)

The call for direct elections of officials, especially of political leaders, according to Weber is a direct consequence of the development of mass-democracy. Political leaders win the trust of the masses through means of mass-demagoguery. Modernisation in mass-societies engenders, what he calls, a 'caesaric tendency'. Every mass-democracy is inclined towards it. The plebiscite not simply means popular vote, but the expressing of a belief. Every parliamentary system, however, tries to resist this 'caesaric tendency'. Where political leaders are directly chosen, parliament will be hindered in its controlling task. Here again, however, in extraordinary situations, in times of war for instance, plebiscites might be appropriate. (WEBER 1988: 393/5) On the descriptive level, Weber observes that societal tendencies of development of parliaments and democratisation are not necessarily complementary. Plebiscites weaken the power of party-leaders and tend to undermine the responsibility of bureaucrats. (WEBER 1988: 383, 399) But Weber's *Political Writings* contain also a more prescriptive stance: In the

modern political setting, in which bureaucracy is indispensable, but at the same time has to be controlled effectively and skilful, it is a competent parliament that is needed, not measures of direct democracy.

Consequences for bureaucracy's legitimate functioning

Weber has his reservations as to democratisation. He underlines the necessity of a parliament having the proper instruments to effectively control governmental bureaucracy. The members of parliament have to be skilled and well informed to make 'positive politics' possible. There can be a deficit in controlling tools. But there can easily be too much of it. Then, the danger of bureaucracy taking a defensive stand looms large, resulting again in 'negative politics'. As to citizen participation, in its direct democratic sense, Weber is highly critical. The masses are poorly informed and easy to deceive. There is a natural urge in mass-democracies for populism and a direct role for citizens. The proper control of the inevitable – and inevitable powerful – bureaucracy is only possible by a well established parliament and properly functioning political parties therein bringing forward real politicians.

We can conclude that the dominant line in Weber's treatment of the issue of democratisation and bureaucracy is that some new instruments of democratisation might be in place, specifically to further control of administrative bureaucracy. However, many forms of democratisation are likely to hinder effective control.

It is remarkable that in his work no concern is shown for any undermining of expertise, rational and legal functioning or bureaucratic ethos. It is the proper balance and relationship between bureaucracy and (representative) democracy that Weber is worried about.

5. Rival understandings of rationality and democracy

In the presentation of Weber's position on issues of bureaucracy and democracy, we also pointed out his particular understanding of democracy and rationality. Now the question might be raised what it would mean if those understandings would have been (slightly) different. Wouldn't there be a stronger case for democratisation if rationality and democracy would be understood less instrumental than Weber did? And what would that mean for the bureaucracy's legitimate functioning?

the value of political participation

Democracy in Weber's understanding concerns being able to defend one's interests. In a full democracy measures have been taken to guarantee that decisions are taken, not to the benefit of a specific group, but in the interest of all. The value of democracy and citizen participation, however, can also be understood differently, that is as of intrinsic worth. The understanding of democracy that Weber adheres to basically means popular control of governmental power in order to guarantee political liberty for all. This understanding fits the tradition of Locke and De Montesquieu, but is also present in the system of checks and balances in Aristotle's *Politics*. Individual or group interests are understood as given. Democratic arrangements should guarantee that the interests of some minority are not continuously neglected. In a second understanding democratic participation contributes to the development of the individual. To be involved in the polity's ruling entails the possibility to develop one's qualities. Being active and proficient in societal affairs fulfils an important human potential. This understanding we find in Aristotle's *Ethics*, but also, for instance, in J.S. Mill. Political participation here is not of external value (that is an instrument to look after one's interests), but intrinsically valuable (it is itself part of that interest).

Arguing from the latter understanding of democracy, probably much stronger support could be given to recent proposals for augmenting citizen involvement than what Weber offered. (KLIJN 2000)

Whether that presupposition is correct, is an issue for another study.² That there might be other reasons for citizen participation than safeguarding everyone's interest, however, does not undermine Weber's argument. For him the central issue is whether some democratic arrangement can control the indispensable but potentially overpowering bureaucracy. Democratic renewals, and probably especially the renewals that are motivated by ideals of participation as intrinsically valuable, threaten effective control.

communicative or instrumental rationality

Also to Weber's understanding of rationality alternatives can be formulated. In his use of the concept of rationality he was sometimes ambiguous. But generally speaking, rationality for Weber seems to be of an *instrumentalist* kind: it involves realising efficiently given aims. (DASSEN 1999; KALBERG 1981) To understand its specificity it is often contrasted with Habermas' *communicative* rationality. Habermas distinguishes his concept from that of instrumental rationality by the specific way it aspires to include human interaction. In the communicative understanding of rationality, it is not the efficient realisation of given aims, but deliberation according to proper procedures that is crucial. The proper procedures facilitate and guarantee a free exchange of points of view on problems and solutions, eventually leading to mutually acceptable conclusions. (HABERMAS 1992)

One way of understanding the bureaucracy's legitimacy is, as we pointed out earlier, its indispensability in rational governance. If a better understanding of rationality gives reason for a more limited role of bureaucracy, Weber's position on that issue loses ground. In fact a communicative understanding of rationality often is used to argue for greater involvement of societal actors in policymaking. (YOUNG 2000) In the new 'disordered' society the classical way of rational problem solving is outdated. New approaches are necessary, approaches that mean bringing in knowledge and insights of different societal actors, deliberation in policymaking, direct democracy, citizen's involvement in implementation, etc. (HABERMAS 1992) The legitimate role of the 'rational bureaucracy', then, seems to be but very limited.

Does this mean that Weber's conclusions are less relevant? There seem to be good reasons not to dismiss them right away. First of all we have to ask on what ground communicative rationality can be judged to be better or preferable to instrumental rationality. If the answer is that through policymaking processes in which different perspectives are involved effective solutions to societal problems will be realised more efficiently, then we in fact still adhere to an instrumental understanding of rationality. If the answer is that in this way we can really give all the involved their due, then we are re-directed to the issue of democracy and participation. The question also arises what implementing the communicative concept of rationality really implies for bureaucracy. If furthering communicative rationality in public administration means more contacts, dialogue and negotiations between politicians on the one hand and all kinds of societal groups on the other, and citizens, and contacts with all kinds of societal groups, the consequences for bureaucracy are not that serious. What is most likely to happen is that bureaucrats develop a 'second-order-expertise' on deliberative-procedures, relevant files, and the line. Changes will probably have more impact on politicians. Deliberating with specific groups will make for a second forum, next to that of the representative assembly. It complicates the processes of gaining trust and authority. (KLIJN 2000) As long as public administration consists of accountable politicians ruling and a bureaucracy supporting them, instrumental rationality is of relevance. Of course the concept of communicative rationality

² See my 'Bedenkingen bij bestuurlijke vernieuwing. J.S. Mill over bestuurlijke kwaliteit'.

might be used to argue for forms of governance in which a central public administration is – to some extent - replaced by a network of agencies and organisations in which citizens participate in plurality. (FRISSEN 1999) It is of course uncertain whether citizens would be able and willing to be involved in the amount of participation that would imply – one of Weber’s doubts as to forms of direct democracy. But what especially demands attention here is the danger of minority domination and elite-rule. As we saw above, Weber’s instrumentally rational bureaucracy is combined with parliamentary democracy. In this way effective problem-solving and fairness in political decision making are both guaranteed. The concept of communicative rationality brings both aspects into the very same arena. In a deliberative setting solutions to problems have to be worked out, under procedural constraints that ideally make for ‘domination-free-dialogue’. Realising that, however, brings about the need for new forms of supervision. (New) agencies are demanded for that monitor the rule-following and actual fairness of the relative autonomous organisations that develop and implement policies with client-groups. Such controlling agencies most likely rapidly develop into bureaucracies. The recent arguments for governance without government echo the ideas of communists and anarchists that Weber commented on. A diverse and complex modern society cannot do without bureaucracies. (If it did the valued effective and efficient realisation of public goods would be impossible.) Bringing the realisation of public services in some sense into civil society (and away from government) will not do away with bureaucracies; it will only make those bureaucracies more powerful.

We can agree that some of the central concepts in Weber’s work might be judged as narrow or one sided. That goes for instance for his instrumental understanding of democratic participation and of rationality. His analysis of the relation between democracy and bureaucracy thereby, however, cannot be said to be invalid or irrelevant. Proposals for democratic renewal following alternative concepts of democratic participation and rationality cannot neglect the concerns Weber brought forward.

6. A modernist analysis in post-modernity?

So far we dealt with some of Weber’s central concepts. Critics might also doubt the relevance for us of Weber’s conclusions in another way. The contemporary condition is of a fundamentally different kind than the modern, or modernising, social environment he was writing about. Many of the diagnoses that give reason for democratic renewal – diagnoses we mentioned earlier – in fact hold some such position. Our condition is understood to be late-modern or post-modern and demands for new forms of democracy and governance. (BECK 1986; CASTELLS 1996; FOX 1995; FRISSEN 1999) These critics would probably subscribe to one or more of the following comments:

- *Epistemological*. Weber’s work belongs to the modernist school of sociology, with an unambiguous claim to truth. Writing well before the insights of the linguistic turn in social sciences became commonplace, his work follows the naive modern idea of text objectively representing reality. Without the insight that language makes ‘reality’, and that each specific discursive ‘representation’ is inevitably value-laden he misses the post-modern understanding that knowledge is inseparable from perspective. In other words: Weber’s representation of reality is just one of many possible representations and there is no reason to not exchange it for another, especially one that is we feel to be liberating or provocative. (FRISSEN 1999)

- *Ontological*. Modern understandings of social reality focus on structure, rationality, unity and harmony. What the moderns lack, is an open eye for the fundamental plurality, diversity and, not unimportant, antagonism in every aspect of the social domain. Modern accounts of

the political, like that of Weber, miss the essential plurality and rivalry and even, unintentionally, aim for de-differentiation. (MOUFFE 1999)

- *Ethical*. Modern bureaucracy, perfectly embodying rationality as Weber clearly pointed out, is highly immoral. What bureaucracy actually does, is substituting technical for moral responsibility. Division of labour, routines, hierarchy, that all makes for a silencing of morality in the organisation. Persons within it function as immoral machines. This logic makes for an irresponsibility that leads directly to the Holocaust. (BAUMAN 1989)

As to the *epistemological* comment we could be brief and disqualify the post-modern epistemology as being evidently self-defeating. (For instance because of the contradiction between dismissing all truth-aspiring theories and yet being itself truth-aspiring.) For a more substantial reply, however, we can refer to Weber's own excursus on social sciences and the need for interpretation. [verw.] Weber acknowledges there the inevitability of 'representing' reality in a way that is meaningful for us. That, however, does not bring him to the conclusion that truth-aspiration is futile. The reply to post-modern critiques here should be that the interpretative approaches in social sciences, like that of Weber, had already taken into account the insights that would much later become known as 'linguistic turn'. It is always possible to offer an interpretation that is better, that makes more sense. It are the postmodernist who radicalised epistemological insights beyond reason.

Turning to the *ontological* point we must retort that Weber in fact did take pluralisation and social differentiation into account. In *Politics as a Vocation*, for instance, he takes it to be a crucial feature of modern society. [PaB / aangeh Du Gay 47] Politics he defines in terms of a struggle for power and specifically not in terms of some aim, for instance an harmonic social order. (ES 78) Bureaucracy is indeed characterised (in the ideal typical sense) as a rationally ordered organisation. But as we above saw, he was worried that a civil servants mentality would eliminate political struggle from parliament. Furthermore, he opposed communists and others in their aspiration for governance without politics, without a parliament as an arena for the democratic political strife.

But also on a deeper level Weber showed being aware of plurality and complexity. In his analysis of modernisation as rationalisation he also pointed out the unintended consequences. Modernisation in his perspective does not mean a simple development of increasing mastery over our environment. It also includes tendencies like 'caesarism' or populism and demands for direct vote that in fact are at odds with rational governance. One can say that the issues and developments that are often presented as typically post-modern, are phenomena that Weber understood to be part of modernity. (TURNER 1991, xxviii)

On the *ethical* issue, finally, we have to reply to comments like that of Bauman that Weber does not characterise bureaucracy as amoral, but as incorporating a specific ethos. The bureaucrats loyalty, neutrality and rule-adherence is part of an ethical scheme. It is a scheme that must be understood in its relation to the democratic parliamentary system. In Nazi-Germany it was exactly the democratic political strife in parliament that was eliminated. (DU GAY 2000: 52)

Letting the plurality of perspectives in ethics and politics have its way, as Bauman wants to have it, is not different from Weber's ideal. The latter, however, does not think bureaucracy to be the proper locus for it in a constitutional and democratic state.

7. Conclusion

In recent years many proposals for democratic renewal or democratisation have been presented and realised. The diagnoses leading up to these proposals vary. The position of the public administration and especially of the bureaucracy is not always specifically addressed. When it is, it is often seen as part of the problem. Democracy, so the general message seems to be, has to be protected against civil-service rule and bureaucratic dominance.

Our question in this paper has been: what is the legitimate function of bureaucracy in democracy and what effect might democratisation thereupon have? Or, put in a more critical manner: what does further democratisation mean for the legitimate functioning of bureaucracy? To answer this question we turned to Max Weber. In students companions reference is often made to his worries about bureaucratic domination. And what makes him even more appropriate for this investigation is that he brought forward analyses of bureaucratic functioning and legitimacy.

A closer look at Weber's work confirmed his concern for democracy being threatened by bureaucratic dominance. He gives reason for measures strengthening democracy, especially representative democracy. Adequate control of government and bureaucracy by parliament is necessary. But (the use of) strong instruments of control easily make for 'negative politics'. In such case the antagonistic relation between parliament en bureaucracy provokes a defensive attitude in bureaucracy, enhancing secrecy. The parliament finds itself in the position of an ignorant dilettante. Effective control is in effect undermined. That goes even stronger for forms of direct democracy.

Although for Weber bureaucracy fulfils important functions in modern society, he is not afraid of democracy undermining its expertise, its rational and legal functioning or its ethos. Also in cases in which democratisation is motivated by other reasons, Weber draws attention to the problem of control and the dangers of bureaucratic domination.

Weber gave reason to be concerned about the legitimate functioning of bureaucracy in the face of democratisation. Not because its ethos or expertise would be undermined, but because democratisation – even when it is explicitly meant to control bureaucracy – might lead to bureaucratic dominance. Debates on democratic renewal mostly focus on the likely effects of new measures on the relation between citizens and government: will it enhance public trust, will it make politicians more responsive, and the like. That more democracy simply makes for more control of the administrative bureaucracy is commonly presupposed. Weber makes us question that presupposition

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